

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALAN AMRON,

Plaintiff,

-v-

STUBHUB HOLDINGS, INC., ET AL.,

Defendants.

24 Civ. 2930 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On July 17, 2024, defendant MLB Advanced Media, L.P. filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 27. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. The Court thus denies without prejudice plaintiff's motion to amend the complaint in order to affect a substitution of parties, currently pending at Docket 14, and directs the plaintiff to incorporate this and any other desired changes into any amended complaint filed pursuant to Rule 15(a)(1)(B). Similarly, the Court grants Defendant StubHub Holdings, Inc.'s motion for an extension of time to answer or otherwise respond to the complaint, Dkt. 23, although, if an amended complaint is filed as anticipated, all defendants should heed the schedule for responsive pleadings set out below.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by August 7, 2024. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by August 28, 2024, each defendant shall: (1) file an answer; (2) file a new motion to

dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that it relies on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by August 7, 2024. Defendant's reply, if any, shall be served by August 14, 2024. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: July 18, 2024
New York, New York

¹ If any defendant files a new motion to dismiss or relies on its previous motion, plaintiff's opposition will be due 14 days thereafter, and that defendant's reply, if any, will be due seven days after that.